IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

TAKEN UP WRIT PETITION NO : 5602 of 2002

Between:

Paper Clipping of Vartha Telugu Daily News Paper Dt 15-3-2002 containing the news under the captions "ASUPATRULA? KALUSYA KHARKHANALA"

..... PETITIONER

AND

1 The Member Secretary (A.P Pollution Control Board)
Hyderabad
2 The Commissioner (M.C.H)
Hyderabad
3 The Commissioner of Police , Twin Cities
Hyderabad
4 The District Collector
Hyderabad District, Hyderabad
5 The Secretary to Govt of A.P.Medical ,Health& Family Welfare

Department, Secretariat Hyderabad
6 The Secretary to Government (Medical ,Health,&Family Welfare

Department, Secretariat Hyderabad

7 The Secretary,

Environment, Forest and Training Department, Secretariat, Hyderabad.

(R.7 is impleaded as per Court order dated 14.2.2005 vide judgment)

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the paper clipping filed herein the High Court may be pleased to issue an order, direction or a writ more particularly one in the nature of writ of mandamus calling for the remarks from the respondents herein, in and connected to:- 1) Non-disposal of hospital wastes by both the private as well as the Govt hospitals under the Bio Medical(management& handling) Rules 1998 and without the approval of A.P Pollution control Board. 2) Not dispensing the waste material by each hospital through a insunirate company for proper and safe disposal and without demarcating separate space in the hospitals for storing the hospital wastes; 3)Dumping of the wastes by the hospitals every where including in the municipal dumps causing the rag pickers, dogs and birds, who contact to it getting infected by deadly diseases; 4)recycling of used syringes ,saline bottles ,used knives and scissors by unauthorised people to get more profits; 5)Polluting the water table due to the sleeping of obnoxious liquids; and to pass appropriate orders directing the concerned authorities to regulate and dispose of the hospital wastes as per the Bio-Medical (Management and Handling) Rules 1998 and through insunirate companies under the approval of the AP Pollution Control Board.

Counsel for the Petitioner: NEWS ITEM

Counsel for the Respondent No.3: Government Pleader for Home

Counsel for the Respondent No.2 & 5: Government Pleader for Municipal Administration and Urban Development

Counsel for the Respondent No.1. Mr.S.V.Bhatt

Counsel for the Respondent No. 6. Government Pleader for Medical and Health.

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

W.P Nos.6076 of 2002 and 12748 of 2002, subject matter of which is similar to the one in the present writ petition are stated to have been dismissed. Only this writ petition has remained which was taken up on the basis of a paper clipping of Vartha Telugu Daily News Paper dated 15.3.2002 covering the news caption "ASUPATRULA? KALUSYA KHARKHANALA?". The non-disposal of the hospital wastes by private hospitals as well as the Government hospitals by not complying with the provisions of Bio Medical (Management & Handling) Rules 1998 and without the approval of the A.P. Pollution Control Board; Not dispensing the waste material by each hospital through a insunirate company; Dumping of the wastes by the hospitals every where including in the municipal dumps; recycling of used syringes, saline bottles, used knives and scissors by unauthorised people to get more profits etc., is the subject matter of the news paper clipping.

Affidavit in reply is not filed by the respondents till date. For our perusal, learned

counsel for the A.P.Pollution Control Board has placed certain material before us whereunder the Pollution Control Board has dealt with a representation of one Sri K.Srinivasa Rao of Godavarikhani, Karimnagar District. It was stated that it was true that disposal of bandages, waste cotton, syringes was not taking place in accordance with the Rules aforementioned and in twin cities of Hyderabad and Secunderabad it was noticed during inspection by the Regional Officers and the Task Force of the Bio Medical Waste that syringes, bandages were also found in municipal dust bins.

There is no comprehensive report as regards all the hospitals of twin cities or of any particular district. There is no reason why Rules which are applicable be not followed strictly for which the State Government and the A.P.Pollution Control Board has to come into action and monitor each and every hospital covered under the provisions and the Rules periodically. In case of non-compliance, strict action has to be taken but before action is taken, a personal hearing has to be given to the concerned hospital authorities to comply with the requirements of the Rules and Regulations and in failure to take punitive action against them.

Accordingly, we dispose of the writ petition with a direction to the State Government as well as the A.P.Pollution Control Board to ensure strict compliance of the provisions and Rules as regards the disposal of bio medical waste and its handling and to have periodical inspection and wherever it is necessary to issue appropriate directions at least within a period of three months from the date of receipt of this writ order and thereafter continue to do the same and ensure that the Rules are duly complied with by all hospitals and on non-compliance take punitive action as per Rules.

Registry is directed to implead the Secreatary, Environment, Forest and Training Department as the 7th respondent in the writ petition.

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DEVINDER GUPTA, CJ

Dated 14.2.2005

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B.SESHASAYANA REDDY,J

msv

To

1 The Member Secretary (A.P Pollution Control Board)
Hyderabad
2 The Commissioner (M.C.H)
Hyderabad
3 The Commissioner of Police , Twin Cities
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4 The District Collector
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Environment, Forest and Training Department, Secretariat, Hyderabad.

8 2 CCs to the Government Pleader for Home, High Court of A.P.

Hyderabad (OUT)

9 2 CCs to the Government Pleader for Municipal Administration & Urban Development, High Court of A.P. Hyderabd (OUT)

1 0 2 CCs to the Government Pleader for Medical & Health, High Court of A.P. Hyderabad.

1 1 The Special Officer, Public Interest Litigation Cell, High Court Buildings, Hyderbad.

1 2 The Secretary, A.P.State Legal Aid and Advisory Board, High Court Buildings, Hyderabad.

13 The Secretary to Government of A.P. Home Department, Secretariat, Hyderabad.

14 2 CD copies.